

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

STEVEN L. YELDING,	:	
Petitioner,	:	
vs.	:	CIVIL ACTION NO. 08-0570-CG-C
UNITED STATES OF AMERICA,	:	CRIMINAL ACTION NO. 02-0134-CG
Respondent.	:	

ORDER

After due and proper consideration of all portions of this file deemed relevant to Steven L. Yelding's motion for Certificate of Appealability and implicit motion for leave to appeal in forma pauperis, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(3) is **ADOPTED** as the opinion of this Court. Because reasonable jurists could not debate whether Yelding's § 2255 petition should have been resolved in a different manner, petitioner's Motion for Certificate of Appealability (Doc. 54) is due to be and hereby is **DENIED**. It is further **CERTIFIED** that this appeal is not taken in good faith in that the petitioner has failed to show that he has a non-frivolous issue to be presented to the Eleventh Circuit Court of Appeals. Therefore, petitioner's implicit motion for leave to appeal in forma pauperis (*see* Doc. 54) is also **DENIED**.

DONE and ORDERED this the 2nd day of March, 2009.

/s/ Callie V. S. Granade

CHIEF UNITED STATES DISTRICT JUDGE